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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2011-102**

13 **LISA LARICCHIUTA**
786 Dolores Street
San Francisco, CA 94110

ACCUSATION

14 **Registered Nurse License No. 406133**
15 **Public Health Nurse Certificate No. 51598**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board),
22 Department of Consumer Affairs.

23 2. On or about October 31, 1986, the Board issued Registered Nurse License Number
24 406133 to Lisa Laricchiuta (Respondent). The Registered Nurse License was in full force and
25 effect at all times relevant to the charges brought herein and will expire on August 31, 2012,
26 unless renewed.

27 3. On or about March 25, 1994, the Board issued Public Health Nurse Certificate
28 Number 51598 to Respondent. The Public Health Nurse Certificate was in full force and effect at

all times relevant to the charges brought herein and will expire on August 31, 2012, unless renewed.

JURISDICTION

4. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

REGULATORY PROVISIONS

5. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions."

7. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

8. California Code of Regulations, title 16, section 1443, states:

"As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

9. California Code of Regulations, title 16, section 1443.5, provides:

1 "A registered nurse shall be considered to be competent when he/she consistently
2 demonstrates the ability to transfer scientific knowledge from social, biological and physical
3 sciences in applying the nursing process, as follows:

4 "(1) Formulates a nursing diagnosis through observation of the client's physical condition
5 and behavior, and through interpretation of information obtained from the client and others,
6 including the health team.

7 "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and
8 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and
9 for disease prevention and restorative measures.

10 "(3) Performs skills essential to the kind of nursing action to be taken, explains the health
11 treatment to the client and family and teaches the client and family how to care for the client's
12 health needs.

13 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the
14 subordinates and on the preparation and capability needed in the tasks to be delegated, and
15 effectively supervises nursing care being given by subordinates.

16 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical
17 condition and behavior, signs and symptoms of illness, and reactions to treatment and through
18 communication with the client and health team members, and modifies the plan as needed.

19 "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve
20 health care or to change decisions or activities which are against the interests or wishes of the
21 client, and by giving the client the opportunity to make informed decisions about health care
22 before it is provided."

23 10. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
24 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
25 licensee or to render a decision imposing discipline on the license.

26 COSTS

27 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 FIRST CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct: Documentation)

5 12. Respondent is subject to disciplinary action under section 2761, subdivision (a), of
6 the Code in that she acted unprofessionally by falsely documenting in patient records that she had
7 coordinated with two physicians the medication reconciliation, visits, and discharge of two
8 patients when in fact no such coordination took place. The circumstances of Respondent's
9 conduct are as follows:

10 a. On or about February 23, 2008, Respondent was working as a nurse for Kaiser
11 Permanente Home Health in San Francisco, California. On that day, Respondent provided care
12 for patient P.L.¹ In her "clinical notes" for that day, under a section entitled "Coordination with
13 physician," Respondent wrote: "Dr. Gendreau re: status of PT /FBS readings over the last several
14 days/meds reconciled with MD Vicodin/Colace/Amiodarone/Coumadin." Dr. Gendreau was out
15 of the country between February 21, 2008, and March 17, 2008, and his voicemail was not
16 accepting messages during that time. As a result, Respondent could not have reconciled P.L.'s
17 medication with Dr. Gendreau. Therefore, Respondent's clinical notes for P.L. dated February
18 23, 2008, were false.

19 b. On or about March 3, 2008, Respondent provided care for patient P.L. In her
20 "clinical
21 notes" for that day, under a section entitled "Coordination with physician," Respondent wrote:
22 "Dr. Gendreau re: D/C from Home Health." Dr. Gendreau was out of the country between
23 February 21, 2008, and March 17, 2008, and his voicemail was not accepting messages during
24 that time. As a result, Respondent could not have coordinated P.L.'s discharge with Dr.
25 Gendreau. Therefore, Respondent's clinical notes for P.L. dated March 3, 2008, were false.

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27 ¹ Initials are utilized herein to protect patient privacy. Patient names will be released to Respondent upon
28 request in discovery.

1 c. On or about March 7, 2008, Respondent provided care for patient P.L. In her
2 "clinical
3 notes" for that day, under a section entitled "Coordination with physician," Respondent wrote:
4 "Dr. Gendreau re: D/C from Home Health, anticoag notified that PT will be coming into [] the
5 lab for prox draws." Dr. Gendreau was out of the country between February 21, 2008, and March
6 17, 2008, and his voicemail was not accepting messages during that time. As a result,
7 Respondent could not have coordinated P.L.'s discharge with Dr. Gendreau. Therefore,
8 Respondent's clinical notes for P.L. dated March 7, 2008, were false.

9 d. On or about March 7, 2008, Respondent provided care for patient W.A. In her
10 "clinical
11 notes" for that day, under a section entitled "Coordination with physician," Respondent wrote:
12 "Dr. Xie re: status of PT and color of sputum." Dr. Xie was on medical leave on March 7, 2008,
13 and another physician was covering her patients. As a result, Respondent could not have
14 coordinated W.A.'s status with Dr. Xie on that day. Therefore, Respondent's clinical notes for
15 W.A. dated March 7, 2008, were false.

16 e. On or about March 28, 2008, Respondent provided care for patient W.A. In her
17 "clinical notes" for that day, under a section entitled "Coordination with physician," Respondent
18 wrote: "Dr. Xie re: status of PT." Dr. Xie was on medical leave on March 28, 2008, and another
19 physician was covering her patients. As a result, Respondent could not have coordinated W.A.'s
20 status with Dr. Xie on that day. Therefore, Respondent's clinical notes for W.A. dated March 28,
21 2008, were false.

22 SECOND CAUSE FOR DISCIPLINE

23 (Gross Negligence)

24 13. Respondent is subject to disciplinary action under section 2761, subdivision (a)(1), of
25 the Code, and California Code of Regulations, title 16, section 1442, for gross negligence in that
26 she repeatedly documented in patient records that she had coordinated with two physicians the
27 medication reconciliation, visits, and discharge of two patients when in fact no such coordination
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1 took place. The circumstances of Respondent's conduct are set forth above in Paragraphs 12.a.,
2 12.b., 12.c., 12.d., and 12.e.

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5 THIRD CAUSE FOR DISCIPLINE

6 (Incompetence)

7 14. Respondent is subject to disciplinary action under section 2761, subdivision (a)(1), of
8 the Code, and California Code of Regulations, title 16, sections 1443 and 1443.5, for
9 incompetence in that she repeatedly documented in patient records that she had coordinated with
10 two physicians the medication reconciliation, visits, and discharge of two patients when in fact no
11 such coordination took place. The circumstances of Respondent's conduct are set forth above in
12 Paragraphs 12.a., 12.b., 12.c., 12.d., and 12.e.

13 PRAYER

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse License Number 406133 issued to Lisa
17 Laricchiuta;


18 2. Revoking or suspending Public Health Nurse Certificate Number 51598 issued to
19 Lisa Laricchiuta;

20 3. Ordering Lisa Laricchiuta to pay the Board the reasonable costs of the investigation
21 and enforcement of this case pursuant to Business and Professions Code section 125.3;

22 4. Taking such other and further action as deemed necessary and proper.

23
24 DATED:

8/6/10

25 for 
26 LOUISE R. BAILEY, M.ED., RN
27 Interim Executive Officer
28 Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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